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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2241 of 2007

Petitioners : 1. Ram Singh aged 62 years son of Kartik Ram Gond,
2. Parwan Singh aged 70 years son of Jhankat Gond,
3. Dasoda Bai aged 65 years daughter of Heera Singh Gond,
4. Bhagmati aged 60 years daughter of Heera Singh Gond,
5. Sameram aged 50 years son of Heera Singh Gond,
All of them resident of Village Baksahi, Tahsil Pali, Distt. Korba

Versus

Respondents : 1. Lakhan lal aged 55 years son of Banshilal,
2. Gajanand aged 50 years son of Banshilal,
3. Hari aged 45 years son of Banshilal,
4. Kailash aged 45 years son of Banshilal,
5. Uma aged 40 years son of Banshilal,
6. Narayan aged 35 years son of Banshilal,
All of them Caste Kalar, resident of Village Baksahi, Tahsil Pali, Distt. Korba (C.G.)
7. State of Chhattisgarh, through Collector Bilaspur (C.G.)
8. Board of Revenue, through Secretary, Board of Revenue Chhattisgarh, Bilaspur

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. Kamal Pandey, counsel for the petitioner.
Mr. Utkarsh Verma, Dy. Govt. Advocate for the respondent No. 7.

ORDER

(Passed on this 11th day of April, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner impugns the judgement and order dated 16.11.2006 (P/1), passed by the Board of Revenue in Revenue Revision Case No. 10/A-23/2004-05, whereunder the revision has been rejected.

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2. The indisputable facts in nutshell are that Banshilal, father of the respondents No. 1 to 6 had purchased the land from Late Savitri Bai on 17.04.68 with prior permission of the Additional Collector, Bilaspur.

3. The petitioners have challenged the order of the Collector dated 19.03.2001 on the ground that the necessary enquiry as contemplated under Section 170-A of the Madhya Pradesh Land Revenue Code, 1959 (hereinafter referred to as 'the Code, 1959') has not been held. The Board of Revenue, Bilaspur, agreeing with the findings recorded by the Sub Divisional Officer and the Collector, held that the proposed sale was made in accordance with the provisions of Section 165 (6) of the Code, 1959. Thus, the provision of Section 170-A of the Code, 1959 is not attracted to the case. It is also not the case of the petitioner that the sale was obtained by fraud or otherwise.

4. I have heard learned counsel appearing for the petitioner as well as learned counsel appearing for the respondent No. 7 and perused the judgment and order, passed by the courts below. I am of the view that there is no error apparent in the records and findings recorded by the courts below and subsequently confirmed by the Board of Revenue, Bilaspur is legal and valid. Even otherwise, there is no procedural irregularity in the order and it does not suffer from any infirmity, irregularity, illegality or procedural error to call for indulgence of this Court in its extraordinary jurisdiction under Article 227 of the Constitution of India.

3. The writ petition is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/-